

FCC MAIL SECTION

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Federal Communications Commission

DA 98-932

DISPATCHED BY Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
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Amendment of Section 73.202(b), ) MM Docket No. 97-169  
Table of Allotments, ) RM-9121  
FM Broadcast Stations. ) RM-9170  
(Coon Valley and Westby, Wisconsin )  
and Lanesboro, Minnesota)<sup>1</sup> )

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: May 13, 1998**

**Released: May 22, 1998**

By the Chief, Allocations Branch:

1. In response to a petition filed by Sparta-Tomah Broadcasting Company, Inc. ("Sparta-Tomah"), the Commission has before it for consideration the Notice of Proposed Rule Making, 12 FCC Rcd 11383 (1997), seeking the allotment of Channel 280A to Coon Valley, Wisconsin, as that community's first local FM broadcast service. Sparta-Tomah filed comments supporting the allotment of Channel 280A at Coon Valley. Bluff Country Community Radio ("Bluff") filed a counterproposal in response to the *Notice*.<sup>2</sup> Reply comments were filed by Sparta-Tomah.

2. The counterproposal filed by Bluff requests allotment of Channel 280A at Westby, Wisconsin, and Lanesboro, Minnesota. Bluff states that both allotments are mutually exclusive with Sparta-Tomah's proposed Coon Valley allotment and will provide a first local service for each community. Bluff also requests that both allotments be reserved for noncommercial educational use but will file for the channels even if not reserved for educational use, and will build the stations if it receives construction permits. Bluff points out that while allotment of the channel at Coon Valley will provide a first local service, the community only has a population of 817 people while allotting channels to Lanesboro and Westby will provide a first local service to communities with a combined population of over 2,700 people. According to Bluff both Lanesboro and Westby qualify as communities for allotment purposes. Both communities are incorporated, have a city hall, post office, fire and police departments, as well as numerous churches and businesses. Bluff states that Channel 280A can be allotted to both

<sup>1</sup> The communities of Lanesboro, Minnesota and Westby, Wisconsin, have been added to the caption.

<sup>2</sup> Public notice of the counterproposal was given on October 16, 1997, Report No. 2234 (RM-9170).

communities providing city-grade coverage with a slight site restriction placed on each allotment.

3. In reply comments, Sparta-Tomah continues to support an allotment at Coon Valley and believes additional channels are available to accommodate all three communities.<sup>3</sup> Sparta-Tomah contends that reserved Channel 207 is available for allotment at Westby, Wisconsin, and Channel 203 is available for allotment at Lanesboro, Minnesota, providing both communities with noncommercial educational service. Sparta-Tomah argues that Channel 280A at Westby would not provide city grade coverage to the entire community and is, therefore, not suitable for allotment. Although Bluff stated that its proposal for Westby and Lanesboro would serve a larger number of people than the Coon Valley proposal, Sparta-Tomah believes that statement is misleading. Sparta-Tomah states that 113,442 people reside within the 1.0 Mv/m service area for Coon Valley while 27,785 people reside within the same area for Westby and 25,287 people reside in the service area for Lanesboro showing that an allotment at Coon Valley will serve over twice as many people. Sparta-Tomah requests that Channel 280A be allotted to Coon Valley and that Bluff's proposed use of Channel 280A at Lanesboro and Westby be denied since noncommercial educational channels are available for use in those communities.

4. A review of the proposals indicates that Coon Valley, Lanesboro and Westby are all deserving of an FM channel. Although not requested, we note that sufficient information has been provided by Sparta-Tomah and Bluff establishing community status for allotment purposes for the three communities.<sup>4</sup> In an effort to provide each community with its first local service, the staff performed a search to determine if alternate channels were available. The study indicates that Channel 280A is the only commercial channel that can be allotted to each community. Sparta-Tomah has indicated that Channel 207A can be allotted to Westby and Channel 203A can be allotted to Lanesboro. Our analysis, however, shows that Channel 207A at Westby would be short spaced to Station WLSU, Channel 205C3, La Crosse, Wisconsin, and Channel 203A at Lanesboro would be short spaced to a construction permit for Channel 204A at Rochester, Minnesota. Since it appears that alternate channels are not available, our decision is guided by the allotment priorities as set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).<sup>5</sup> The allotment of Channel 280A at Coon Valley, Lanesboro or Westby would provide a first local service to each community, fulfilling priority (3). Therefore, our decision must be based on priority (4) - Other public interest factors. In this regard, we find that the communities of Lanesboro (population 858) and Westby

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<sup>3</sup> Sparta-Tomah also stated that Channel 280A can be allotted to Eyota, Minnesota, consistent with the Commission's spacing requirements. No consideration will be given to the proposal for Eyota as it constitutes a counterproposal which was advanced in reply comments rather than in initial comments.

<sup>4</sup> See *Keanansville, Florida*, 10 FCC Rcd 9831 (1995).

<sup>5</sup> The priorities are: (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) other public interest matters. [Co-equal weight given to priorities (2) and (3).]

(population of 1,866) are both larger than Coon Valley (population 817)<sup>6</sup> and that Channel 280A can be allotted to both Lanesboro and Westby or to Coon Valley. Our analysis further shows that Coon Valley receives service from 12 FM stations while Lanesboro receives service from 9 FM stations and Westby receives service from 11 FM stations. As all three communities receive ample reception service and are considered to be well served, we believe the public interest would best be served by allotting Channel 280A to both Lanesboro, Minnesota, and Westby, Wisconsin, since first local aural transmission service will be provided to the most populous communities. *See Three Oaks and Bridgeman, MI*, 5 FCC Rcd 1004 (1990) and *St. Marks and Woodville, FL*, 12 FCC Rcd 11957 (1997). Although Bluff has requested that Channel 280A be reserved for noncommercial use at both Lanesboro and Westby, we shall deny that request. Bluff stated that none of the educational channels (200-220) are available for allotment at Lanesboro or Westby but failed to make a showing supporting its request. *See Ukiah, California and cases cited therein*, 11 FCC Rcd 13933 (1996). Bluff has stated that it will file an application for Channel 280A in both communities even if they are not reserved for educational use.

5. A staff engineering analysis has determined that Channel 280A can be allotted to Lanesboro, Minnesota, in compliance with the Commission's spacing requirements provided there is a site restriction 11.8 kilometers (7.3 miles) west of the community<sup>7</sup> and Channel 280A can be allotted to Westby, Wisconsin, in compliance with the spacing requirements provided there is a site restriction 13.2 kilometers (8.2 miles) east of the community.<sup>8</sup> The site restrictions will accommodate the allotment of Channel 280A in both communities. Sparta-Tomah argued that Channel 280A at Westby can not provide city grade coverage but our analysis indicates that proper coverage will be provided to the community.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective July 6, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Lanesboro, Minnesota	280A
Westby, Wisconsin	280A

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<sup>6</sup> The population figures are taken from the 1990 Census.

<sup>7</sup> The coordinates for Channel 280A at Lanesboro, Minnesota, are 43-44-00 and 92-07-00.

<sup>8</sup> The coordinates for Channel 280A at Westby, Wisconsin, are 43-37-30 and 90-41-50.

7. A filing window for Channel 280A at Lanesboro, Minnesota, and Channel 280A at Westby, Wisconsin, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.
8. IT IS FURTHER ORDERED, That the petition filed by Sparta-Tomah Broadcasting Company, Inc. (RM-9121) IS DENIED.
9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.
10. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 280A at Lanesboro and Westby should be addressed to the Audio Services Division, Mass Media Bureau, (202)418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau